

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RAUL NEVERAZ,	:
Plaintiff	:
v.	: Case No. 3:09-cv-40-KRG-KAP
MARDI VINCENT, SUPERINTENDENT,	:
S.C.I. LAUREL HIGHLANDS, UNIT	:
MANAGER MICHAEL LEIDY, and	:
CORRECTIONS OFFICER GIPE,	:
Defendants	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on September 7, 2009, docket no. 18, recommending that defendants' motion to dismiss, docket no. 13, be granted in part and that the complaint be dismissed for failure to state a claim against defendant Vincent.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No one has filed objections and the time to do so has expired.

After review of the record together with the Report and Recommendation, and noting the lack of objections thereto, the following order is entered:

AND NOW, this 28<sup>th</sup> day of September, 2009, it is

ORDERED that defendant's motion to dismiss, docket no. 13, is granted in part and the plaintiff's complaint is dismissed as to defendant Vincent. The Report and Recommendation is adopted as the opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

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